

RNC Research BRIEFING

The Democrats' Nuclear Amnesia

Senate Democrats Embrace A Measure They Once Derided As Radical, Unconstitutional, And Anti-Democratic

Senate Majority Leader Harry Reid (D-NV) Has Indicated That “The U.S. Senate Is Going Nuclear” As Early As Today. “The U.S. Senate is going nuclear. Barring a last-minute deal, Senate Majority Leader Harry Reid, D-Nev., made clear he will move forward Tuesday with a controversial maneuver — known as the ‘nuclear option’ — to change the chamber's rules to make it easier to confirm President Obama's executive branch nominees.” (Susan Davis, “Senate Still On Path For Tuesday ‘Nuclear Option’ Vote,” [USA Today](#), 7/15/13)

- **Reid’s “Nuclear Option” Would Change Senate Rules And Erode The Senate’s Filibuster.** “With the Senate thinking the unthinkable—a ‘nuclear option’ on filibusters—you may have to factor in politics before your next investment. Senate Majority Leader Harry Reid (D-Nev.) has threatened to change Senate rules and weaken the filibuster, which is the principal way that the minority party preserves power.” (Alex Rosenberg, “Senate’s ‘Nuclear Option’ Could Cause A Market Meltdown,” [CNBC](#), 7/15/13)

IN 2005 TOP DEMOCRATS WERE ON RECORD VIGOROUSLY OPPOSING THE NUCLEAR OPTION

Then-Sen. Obama (D-IL): “One Day Democrats Will Be In The Majority Again, And This Rule Change Will Be No Fairer To A Republican Minority Than It Is To A Democratic Minority.” OBAMA: “Again, I urge my Republican colleagues not to go through with changing these rules. In the long run, it is not a good result for either party. One day Democrats will be in the majority again, and this rule change will be no fairer to a Republican minority than it is to a Democratic minority. Mr. President, I sense the talk of the nuclear option is more about power than about fairness. I believe some of colleagues proposed this rule change because they can get away from it rather than because they know it’s good for our democracy.” (Sen. Barack Obama, [Floor Remarks](#), Washington, D.C., 4/13/05)

- **Then-Sen. Obama Expressed Concern That The Nuclear Option Would Lead To An “Enormous Loss” For The American People.** OBAMA: “I am deeply concerned that if President -- if Senator Frist moves forward with his current initiative, that the fabric of this institution will be destroyed for the long term. And I think that will be an enormous loss not just for the senators who are participating, but more importantly, for the American people. So that would be one point I would emphasize.” (Sen.-Barack Obama, Press Conference, Washington, D.C., 5/17/05)

Then-Sen. Biden (D-DE): “Once You Change The Rules And Surrender The Senate's Institutional Power, You Never Get It Back.” BIDEN: “Getting rid of the filibuster has long-term consequences. If there is one thing I have learned in my years here, once you change the rules and surrender the Senate's institutional power, you never get it back. And we are about to break the rules to change the rules. I do not want to hear about ‘fair play’ from my friends. Under our rules, you are required to get 2/3 of the votes to change the rules. Watch what happens when the majority leader stands up and says to the Vice President-if we go forward with this-he calls the question. One of us, I expect our leader, on the Democratic side will stand up and say: Parliamentary inquiry, Mr. President. Is this parliamentarily appropriate? In every other case since I have been here, for 32 years, the Presiding Officer leans down to the Parliamentarian and says: What is the rule, Mr. Parliamentarian? The Parliamentarian turns and tells them. Hold your breath, Parliamentarian. He is not going to look to you because he knows what you would say. He would say: This is not parliamentarily appropriate. You cannot change the Senate rules by a pure majority vote. So if any of you think I am exaggerating, watch on television, watch when this happens, and watch the Vice President ignore-he is not required to look to an unelected officer, but that has been the practice for 218 years. He will not look down and say: What is the ruling? He will make the ruling, which is a lie, a lie about the rule.” (Sen. Joe Biden, [Floor Remarks](#), 5/23/05)

Then-Sen. Minority Leader Harry Reid (D-NV): The Nuclear Option Would “Turn The Senate Into A Rubber Stamp For The President’s Choices.” REID: “It appears that the Majority Leader cannot accept any solution which does not guarantee all current and future judicial nominees an up-down vote. That result is unacceptable to me because it is inconsistent with constitutional checks and balances. It would essentially eliminate the role of the Senate minority in confirming judicial nominations and turn the Senate into a rubberstamp for the President’s choices.” (Sen. Harry Reid, Press Conference, Washington, D.C., 5/23/05)

Then-Sen. Hillary Clinton (D-NY): “If You Cannot Get 60 Votes For A Nominee, Maybe You Should Think About Who You Are Sending To Us To Be Confirmed...” CLINTON: “So this President has come to the majority in the Senate and basically said: Change the rules. Do it the way I want it done. And I guess there were not very many voices on the other side of the aisle that acted the way previous generations of Senators have acted and said: Mr. President, we are with you. We support you. But that is a bridge too far. We cannot go there. You have to restrain yourself, Mr. President. We have confirmed 95 percent of your nominees. And if you cannot get 60 votes for a nominee, maybe you should think about who you are sending to us to be confirmed because for a lifetime appointment, 60 votes, bringing together a consensus of Senators from all regions of the country, who look at the same record and draw the same conclusion, means that perhaps that nominee should not be on the Federal bench.” (Sen. Hillary Clinton, [Floor Remarks](#), 5/23/05)

- **Clinton Expressed Hope That The Senate Would Reject The Nuclear Option And “Remember Our Founders” And “Maintain The Integrity Of The U.S. Senate.”** CLINTON: “And I just had to hope that maybe between now and the time we have this vote there would be enough Senators who will say: Mr. President, no. We are sorry, we cannot go there. We are going to remember our Founders. We are going to remember what made this country great. We are going to maintain the integrity of the U.S. Senate.” (Sen. Hillary Clinton, [Floor Remarks](#), 5/23/05)

Sen. Chuck Schumer (D-NY): The Nuclear Option Creates A “Rubber Stamp” Senate. SCHUMER: “The bottom line is very simple, and that is, the Senate should not be a rubber stamp. If you do the nuclear option, the Senate becomes a rubber stamp and every single judge who the president nominates will be approved regardless of anything about them, because we’ve had judges who have been way out of the mainstream, as Barak has mentioned, we’ve had judges who have had certain ethical issues; it doesn't

matter, they just get marched through.” (Sen.-Chuck Schumer, Press Conference, Washington, D.C., 5/17/05)

- **Schumer: “To Undo The Filibuster, Which Is A Rule That Says You Can't Just Get A Bare Majority On Things That People Feel Passionately About, Would Change The Very Essence Of The Senate And The Checks And Balances.”** SCHUMER: “For 200 years, we have had a system of checks and balances in this country, and what the nuclear option would do would be undo the very checks and balances that makes the Senate the animal that it is. And the Senate was intended, really, to be what the Founding Fathers called ‘the cooling saucer,’ where the passions of the people cooled. It was a place where the minority party would always have more sway. To undo the filibuster, which is a rule that says you can't just get a bare majority on things that people feel passionately about, would change the very essence of the Senate and the checks and balances.” (NPR’s “All Things Considered,” 4/25/05)

Sen. Dick Durbin (D-IL): “Nuclear Option Is An “Assault On The Very Principles Of This Constitution.” DURBIN: “The reason I tell you this is because at this moment there are those who are planning what I consider to be an assault on the very principles of this Constitution. There are those who wish to change the rules of the Senate and in changing the rules of the Senate, defy tradition, change the rules in the middle of the game, and have a full frontal assault on the unique nature of this institution. That, I think, is an abuse of power. I think it goes way too far. It ignores our Founding Fathers. This nuclear option ignores the Constitution. It ignores the rules of the Senate.” (Sen. Richard Durbin, [Remarks On The Floor](#), Washington, DC, 4/15/05)

- **Sen. Durbin: “This So-Called Nuclear Option Is A Power Grab.”** DURBIN: “This so-called nuclear option is a power grab. It is an attempt to change the rules of the Senate. It is an assault on the principle and values of checks and balances. It is an attempt by the majority party in the Senate to ram through nominees who will not pledge to protect the most important rights of the American people. It is an attempt to say that we cannot demand of the President's nominees that each person be balanced and moderate and committed to the goals of ordinary Americans.” (Sen. Richard Durbin, [Remarks On The Floor](#), Washington, DC, 4/15/05)

Then-Senator John Kerry (D-MA): The Nuclear Option Is “A Raw Reach For Power.” THEN-SENATOR JOHN KERRY (D-MA): KERRY: “We are in a remarkable moment of confrontation. This is a great institution, or at least it always has been, and it is looked up to by people all over the world. Caught up as we are now in this moment of partisan ideological division of a raw reach for power, the Congress itself is daily dropping in its regard by the American people. Rather than reaching across the aisle to grapple with the real crises that face our Nation, the Republican leadership keeps moving unilaterally to change the way this institution has worked, and not for the better.” (Sen. John Kerry, [Floor Remarks](#), Washington, DC, 5/19/05)

House Minority Leader Nancy Pelosi (D-CA): The Filibuster “One Of The Tenets Of Democracy: The Right Of The Minority.” PELOSI: “Democrats stand united against the Republicans' abuse of power. We will not let them undermine one of the tenets of democracy: the right of the minority. And make no mistake; that is what the Republicans are attempting to do -- silence the voice of the minority and thereby deny millions of Americans a voice in the Congress. So the fight that you are making, Senator Reid and other Democratic senators, is one for all Americans, so that their voices will not be silenced in the Congress of the United States. This great Capitol, this great Congress was ordained to be a marketplace of ideas for the American people to be represented, not to have their voices silenced and their ideas squelched.” (Rep. Nancy Pelosi, Press Conference, Washington, D.C., 5/18/05)